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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/719,483	11/21/2003	Taylor James	AOL0149	2527
22862 7590 04/30/2009 GLENN PATENT GROUP 3475 EDISON WAY, SUITE L MENLO PARK, CA 94025				
EXAMINER				
ORTIZ, BELIX M				
ART UNIT		PAPER NUMBER		
2164				
MAIL DATE		DELIVERY MODE		
04/30/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/719,483

Applicant(s)

JAMES ET AL.

Examiner

BELIX M. ORTIZ

Art Unit

2164

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 36-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 36-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date: _____

DETAILED ACTION

Remarks

1. In response to communications files on January 23, 2009. Claims 1-35 are cancelled, claims 36 and 40 are amended, and claim 42 is added per applicant request. Claims 36-42 are presently pending in the application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

3. Claims 36, 38-42 are rejected under 35 U.S.C. 102(a) (Eff. Filing date of application: 11/21/02) as being anticipated by Himmel et al. (U.S. Pat. 6,408,316) (Eff. Filing date: 12/17/1998).

As to claims 36, and 40-42, Himmel teaches a method of saving search results (see abstract), the method comprising computer-driven operations of:

receiving a query from a user (see fig. 3, character 301 and col. 2, lines 45-46);

in response to receiving the query, conducting a search according to the query and presenting an original set of search results to the user, wherein each search result in the original set is presented in association with a selection indicator that is selectable by the user to save the

associated search result (see fig. 3, character 303; fig. 4; col. 2, lines 38-40; col. 2, lines 47-48; and col. 2, lines 50-51);

in response to receiving a user selection of one or more of the selection indicators, saving in association with the query any search results associated with the selected selection indicators and discarding any search results unassociated with the selected selection indicators (see col. 1, lines 60-63; col. 2, lines 44-54; col. 6, lines 11-15 and fig. 3, character 305);

subsequent to receiving the user selection of the one or more of the selection indicators, receiving a user request including at least an identification of the query (see col. 6, lines 4-7 and col. 6, lines 62-65); and

in response to receiving the user request, conducting a new search according to said query and presenting the user with the following items in association with each other: a set of new search results satisfying the query, and the original set of search results saved in association with the query (see col. 6, lines 21-36 and col. 7, lines 31-35).

As to claim 38, Himmel teaches the operations performed in response to receiving the user request further include ordering the search results of the new set and the original set in chronological order (see col. 6, lines 21-23).

As to claim 39, Himmel does not teach the method further comprising the operation of: responsive to receiving user designation of one or more selected search results from the original

set or the new set or both, transferring said selected search results to a nonvolatile bookmarks list to preserve information related to said selected search results after a current search session ends (see col. 6, lines 36-48).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 37 is rejected under 35 U.S.C. 103(a) (Eff. Filing date of application: 11/21/02) as being unpatentable by Himmel et al. (U.S. Pat. 6,408,316) (Eff. Filing date: 12/17/1998) in view of Amro et al. (U.S. Pat. 6,950,861) (Eff. filing date of application: 9/22/2000).

As to claim 37, Himmel as does not expressly teach the operations performed in response to receiving the user request include presenting the saved search results above the set of new search results satisfying the query.

Amro teaches system and method for searching websites associated with bookmarks (see abstract), in which he teaches the operations performed in response to receiving the user request include presenting the saved search results above the set of new search results satisfying the query (see fig. 3).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to have modified Himmel by the teaching of Amro, because the operations performed in response to receiving the user request include presenting the saved search results above the set of new search results satisfying the query, would enable the method because in this way, the results which best match the user query are at the top of the search and therefore, most easily accessed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Belix M. Ortiz whose telephone number is 571-272-4081. The examiner can normally be reached on monday-friday 9am-5pm. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/BMO/
Examiner of Art Unit 2164

April 27, 2009

/Charles Roncs/
Supervisory Patent Examiner, Art Unit 2164